

PATENTS TO LAND CLAIMANTS—LOUISIANA.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A report of the causes which have retarded the issuing patents in favor of the claimants to lands in the State of Louisiana, &c.

DECEMBER 16, 1834.

Read, and laid upon the table.

TREASURY DEPARTMENT,

December 16, 1834.

SIR: In obedience to the resolution of the House of Representatives, passed 11th December, 1834, directing the Secretary of the Treasury to report "the causes which have retarded the issuing patents in favor of the claimants to lands in the State of Louisiana, which have been confirmed by virtue of the different acts of Congress which have been passed for the adjustment of land claims within the said State," I have the honor to transmit herewith a report from the Commissioner of the General Land Office, to whom the resolution was referred, which gives the information required.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

Hon. JOHN BELL,

Speaker of the House of Representatives.

GENERAL LAND OFFICE,

December 13, 1834.

SIR: In compliance with the resolution of the House of Representatives of the 11th instant, directing a report to be made to that House of "the causes which have retarded the issuing of patents in favor of the

claimants to lands in the State of Louisiana, which have been confirmed by virtue of the different acts of Congress which have been passed for the adjustment of land claims within the said State," referred by you to this office, I have the honor to report :

That, by the existing laws, all the confirmed claims in Louisiana have to be surveyed under the authority of the United States, and that none of the plats of the townships in which such claims were situated could be considered as complete, so long as the land offices were kept open for the reception and adjudication of claims, as, until the question of title was definitively settled, those plats would not show such a discrimination between the public lands and private claims, as would enable the Government to act upon them with confidence, and that, until the survey of the township was completed, it was impracticable to know what might be the interferences between the lines of the different claims, or to prepare the particular plats of each claim, giving to the tract its proper sectional number, by which the land was to be identified and described in the certificate of the Register, and the patent founded thereon.

The nature and value of those claims were such as to render it necessary that the surveys should be executed with the greatest care and circumspection, and none but the most experienced and faithful deputies should, therefore, have been employed in their execution, while the peculiar nature of the country rendered the progress of the surveyor not only slow in the execution of the work, but limited the season for active operations in the field to but a portion of the year. Another great impediment to the prompt and faithful execution of the surveys in the alluvial portion of that State, which includes the great body of the claims, has been the insufficient maximum allowance per mile which the law has prescribed for surveying; and as the same maximum was paid for surveying the uplands and pine barrens of the State, it was difficult to procure competent deputies to execute the surveys of those claims, and the adjacent low grounds, so long as they could procure more profitable contracts for surveying in those parts of that and the adjacent States, where they could execute their work with greater rapidity and less risk as to health.

These causes, combined with the former and peculiar organization of the surveying department in that State, rendered the surveying of the public and private lands, and the preparation of the plats, both tedious and difficult; but the act of 1831 having abolished the offices of the three principal deputy surveyors, and established that of a surveyor general, the surveying operations have, since then, been carried on with more vigor, and it is believed that the execution of the surveys yet required, and the preparation of the plats, will progress with greater efficiency and rapidity. At the same time, I cannot but again urge upon the Legislature the absolute necessity, if the surveys are expected to be finally closed within a reasonable time, of allowing some additional compensation to be made to the deputies, in those cases where it is found, from the peculiar nature of the surveys, to be utterly impracticable to procure the work to be executed for the present maximum fixed by law.

The existing laws only authorize the issuing of patents upon the production of the patent certificates of the Register, accompanied by the ne-

cessary plats of survey ; these plats are, in the first instance, after having been prepared and recorded in the Surveyor General's office, forwarded by him to the proper register, who has to compare them with the reports and all the other documents in his office, preparatory to granting his patent certificate therefor. This is often a work of much labor, and for the performance of which he receives no special compensation from the Government, but is allowed certain fees, payable by the claimants.

In the southeastern district of Louisiana, although the private claims are not definitively settled, there being one report of the land officers upon such claims now before Congress for their decision thereon, the plats of 130 townships and fractional townships have been returned to this office, and it is presumed that the particular plats of a portion of the private claims in those townships have been sent to the Register's office, although patent certificates have been transmitted in but two cases, upon both of which patents have issued. The reasons why more certificates have not been issued, are not known to this office ; but from the statements made by the Register at Opelousas, hereafter alluded to, in relation to the claims in his district, it may be inferred that it arises, in part, from a similar indifference on the part of the claimants themselves as to procuring their patents.

In the St. Helena district, the plats of 112 townships and fractional townships have been returned to this office, while the land officers, so far as known to this office, have issued but one certificate, which has been patented under date of the 27th October, 1833. The Surveyor General for Louisiana stated that " between four and five hundred plats of private claims in the district of St. Helena have been prepared from the notes in this office. I am bold to say, not only that there has been no remissness (as might be supposed from the tenor of the letter of the land officers at St. Helena to you, dated 10th January last) on my part in bringing up this branch of the arrears, but that great pains have been taken, and great diligence used in so doing. It is scarcely necessary to say that the labor, both mental and mechanical, was very considerable in making out such a number of plats from old, ill written notes ; some of the plats attempted were set aside on account of bad closing." This office has, for some time past, been in the expectation of receiving numerous patent certificates for the claims in that district, as their transmission has been urged upon the officers, but the causes which have delayed their transmission are not known.

In the district north of Red river, the plats of 199 townships and fractional townships have been received ; but as, during almost the whole of the period in which the land offices were open for the adjustment of claims, that district formed part of the then western district, the claims were acted upon at Opelousas, and the patent certificates therefor are to be issued by the Register of that office. The only report made from the land office for the district north of Red river, being that under the act of May, 1820, embraces about seventy claims ; twelve patent certificates are known to have been issued by the Register, and eight of them have been patented.

In the southwestern, or Opelousas land district, the plats of 147 townships and fractional townships are on file.

The Register had, up to the last advices on the subject, issued six hundred and twenty patent certificates for the claims in that district, and the district north of Red river, and patents had been issued for four hundred and forty-nine of those cases. The patents on the other cases have not been issued, in consequence of the interference of the surveys with each other, the want of township plats, or the certificates have been returned for correction or re-examination, with the exception of a few of them, upon which patents will be issued so soon as the other business of the office will admit.

In conclusion, I would call your attention to the enclosed extract of a letter from the Register at Opelousas to this office, dated 25th July, 1833, as showing not only the indifference of the claimants respecting the issuing of patent certificates, but, also, their absolute rejection of the patents themselves, as long as the present fee of \$2 is demandable by the Register for delivering the patents; and with a view to expedite the business, I am induced to recommend that the present provisions of law, which require the payment of fees to the Register, by the claimants, for issuing patent certificates, or delivering the patents, be abolished, and that a reasonable compensation be made by the United States to the officer for the performance of those duties.

All which is respectfully submitted.

ELIJAH HAYWARD.

The Hon. LEVI WOODBURY,
Secretary of the Treasury.

Extract of a letter from Valentine King, Register of the Land Office at Opelousas, Louisiana, to the Commissioner of the General Land Office, dated 25th July, 1833.

“Your letter of the 1st instant, with sixty-three of my patent certificates for explanation and correction, has been received, and the subject shall receive immediate attention.

“The immense labors which I have had to perform without any compensation, induces me to ask if I am bound to issue patent certificates unless the parties demand them. Hitherto I remember but four instances, out of more than six hundred, where any applications have been made. I have acted only on the plats and titles before me, and by directions from the General Land Office.

“Unless relief is extended to the office, I despair of ever accomplishing the final adjustment of the claims. I do verily believe that more labor must be performed to complete them than has been already performed by boards, translators, clerks, and deputies, at an expense of \$40,000 paid by the Government. I must be my own clerk and translator, amidst the intricacies of about 4,000 claims, resting upon tattered and badly written French and Spanish titles. For what I have already done I have not received more than \$50, and have little prospect of ever receiving \$50 more; and to make the prospect more discouraging, heavy additional duties, without fee or reward, are required under the sixth section of the act of 3d March, 1831, in relation to interfering titles. And, last of all, the people will not have the patents for pay. I sent a whole bundle to

one neighborhood, and they refused, to a man, to receive them on condition of paying the fees, and here they lie!

“Were the Register paid, as the surveyors now, as the various commissioners, &c. heretofore, a reasonable compensation, say from \$3 to \$4, on the issuing of each patent, payable by the Receiver, (that officer being made the patent depository, as the Register now is,) I should be able to employ a competent force to bring up the business with despatch, and with much more accuracy than can possibly be expected from a single officer charged with a variety of other public business.

“I sincerely hope that these remarks may induce you to direct your efforts, which I am almost persuaded cannot fail of success, to the accomplishment of some measures which may effectually meet the objections here stated.”

